



DIGITAL HOUSTON INITIATIVE

INFORMATION TECHNOLOGY DEPARTMENT (ITD)

REQUEST FOR PROPOSAL

17 March, 2006

**WIRELESS BROADBAND NETWORK
FINANCING & MANAGEMENT SERVICES**

**FOR
THE CITY OF HOUSTON**

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REQUEST FOR PROPOSAL (RFP)

WIRELESS BROADBAND NETWORK FINANCING & MANAGEMENT SERVICES

The City of Houston (City) Information Technology Department (ITD) invites prospective companies (Proposers) to submit a written proposal for the financing and management of a wireless broadband network (Network) throughout the City. Proposals are solicited in accordance with the terms, conditions and instructions as set forth in this Request for Proposal (RFP).

All materials related to the FINAL RFP will be available on the Internet at <http://www.houstontx.gov/it/wirelessrfp.html>

In the event you do not have download capability, all materials may be obtained from the Houston Information Technology Department, Infrastructure Division, 8th Floor, 611 Walker, Houston, TX 77002.

There will be a Pre-Proposal Conference on **Tuesday, April 4, 2006 at 2:00 P.M. CST** in the Garden Level Auditorium, 611 Walker, Bob Lanier, Public Works Building. Verbal questions may be asked by Proposers at the Pre-Proposal Conference, however Proposers must also submit these questions in writing by the deadline noted below in order to receive a formal response.

Proposers must submit any questions concerning the RFP no later than **Tuesday, April 11, 2006 at 5:00 P.M. CST** using the instructions provided at <http://www.houstontx.gov/it/wirelessrfp.html>. All questions submitted will be correlated and made available on the Internet at this address.

Proposers will be asked to indicate their intent to submit written proposals no later than Tuesday May 2, 2006 at 5:00 P.M. CST. Further instructions will be provided at the Pre-Proposal Conference.

The City will receive proposals at the City Secretary's Office, City Hall Annex, Public Level, 900 Bagby, Houston, Texas 77002 until **Tuesday, May 16, 2006 at 2:00 P.M. CST**. No proposals will be accepted after the stated deadline.

All proposals will be required to comply with City Council Ordinance No. 78-1538, passed August 9, 1978, relating to Equal Employment Opportunity Contract Compliance. The City reserves the right to reject any or all proposals or to accept any proposal or portion of a proposal deemed to be in the City's best interest.

1. GENERAL INSTRUCTIONS

1.1 Submittal Procedure

Proposers must submit ten (10) copies of their proposal, plus one (1) printed original, signed in ink, in a sealed envelope. Proposers may elect to either personally deliver, or mail, their proposals to the addresses provided below:

| | | | |
|-------------------|---|----------------|---|
| Personal Delivery | City Secretary's Office City Hall Annex 900 Bagby Houston, Texas 77002 | Mail Delivery: | Office of the City Secretary P.O. Box 1562 Houston, Texas 77251 |
|-------------------|---|----------------|---|

The deadline for the submittal of proposals is no later than **Tuesday, May 16, 2006 at 2:00 P.M. CST.** Proposers may submit their proposals at any time prior to the above stated deadline. Failure to submit the require number of copies by this deadline may be subject for disqualification from the RFP process.

The City shall bear no responsibility for submitting proposals on behalf of any Proposer.

1.2 Proposal Format

All proposals should be electronically generated and the printed original signed in ink. Proposals should not be submitted in elaborate or expensive binders. Legibility, clarity and completeness are important and essential. One (1) electronic disk containing an Adobe Portable Document Format (PDF) version of all proposal materials should also be provided.

The proposal must be signed by individual(s) legally authorized to bind the Proposer(s) and must contain a statement that the proposal and the prices contained therein shall remain firm for a period of one hundred-eighty (180) days after receipt by the City.

1.3 Pre-Proposal Conference

A Pre-Proposal Conference will be held **Tuesday, April 4, 2006 at 2:00 P.M. CST** in the Bob Lanier Public Works Building, Garden Level Auditorium, 611 Walker, Houston, TX 77002. Interested Proposers should plan to attend. It will be assumed that Proposers attending this meeting have reviewed the RFP in detail and are prepared to bring up any substantive questions.

1.4 Additional Information and Questions

Requests for additional information and questions should be submitted using the instructions provided on the website at <http://www.houstontx.gov/it/wirelessrfp.html> no later than **Tuesday, April 11, 2006 at 5:00 P.M. CST.** Questions received from all Proposers shall be answered and posted to the website at <http://www.houstontx.gov/it/wirelessrfp.html>. Any changes to the RFP or the RFP process shall be posted to the website as addenda.

1.5 Addenda & Modifications

All addenda, amendments, and interpretations to this solicitation shall be in writing. Any amendment or interpretation that is not in writing shall not legally bind the City. Only information supplied by the City in writing or in this RFP should be used in preparing proposal responses. All contacts that a Proposer may have had before or after receipt of this RFP with any individuals, employees, subcontractors, consultants or representatives of the City and any information that may have been read in any news media or seen or heard in any communication facility regarding this RFP should be disregarded in preparing responses.

The City does not assume responsibility for the receipt of any addendum sent to Proposers.

1.6 Examination of Documents and Requirements

Each Proposer shall carefully examine all RFP documents and thoroughly familiarize themselves with all Requirements prior to submitting a proposal to ensure that the proposal meets the intent of this RFP.

Before submitting a proposal, each Proposer shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and requirements affecting the Requirements of this RFP. Failure to make such investigations and examinations shall not relieve the Proposer from obligation to comply, in every detail, with all provisions and Requirements of the RFP.

1.7 Post-Proposal Discussions with Proposers

It is the City's intent to commence final negotiation with the Proposer(s) deemed most advantageous to the City. The City reserves the right to conduct post-proposal discussions with any Proposer(s).

1.8 Terms, Conditions, Limitations and Exceptions

1. This RFP does not commit the City to award a contract, issue a Purchase Order, or to pay any costs incurred in the preparation of a proposal in response to this request.
2. The proposals will become part of the City's official files without any obligation on the City's part. All proposals shall be held confidential from all parties other than the City until after the contract is awarded. Afterward, the proposals shall be available to the public.

3. The City shall not be held accountable if material from proposals is obtained without the written consent of the Proposer by parties other than the City, at any time during the proposal evaluation process.
4. In the event a Proposer submits trade secret information to the City, the information must be clearly labeled as a "Trade Secret". The City will maintain the confidentiality of such trade secrets to the extent provided by law.
5. Proposer(s) shall not offer any gratuities, favors, or anything of monetary value to any official or employee of the City (including any and all members of proposal evaluation committees).
6. Proposer(s) shall not collude in any manner, or engage in any practices, with any other Proposer(s), which may restrict or eliminate competition or otherwise restrain trade. This is not intended to preclude subcontracts and joint ventures for the purposes of: a) responding to this RFP, or b) establishing a project team with the required experience and/or capability to provide the goods or services specified herein. Conversely, the City can combine or consolidate proposals, or portions thereof, for the purposes mentioned above.
7. All proposals submitted must be the original work product of the Proposer. The copying or paraphrasing of the work product of another Proposer is not permitted.
8. The RFP and the related responses of the selected Proposer may by reference become part of any formal agreement between the selected Proposer and the City. The City and the selected Proposer may negotiate a contract or contracts for submission to City Council for consideration and approval. In the event an agreement cannot be reached with the selected Proposer, the City reserves the right to select an alternative Proposer. The city reserves the right to negotiate with alternative Proposer(s) the exact terms and conditions of the contract.
9. Proposers, their authorized representatives, and their agents are responsible for obtaining, and will be deemed to have, full knowledge of the conditions, requirements, and specifications of the RFP at the time a proposal is submitted to the City.
10. If necessary for the completion of tasks required under the project, the City will provide reasonable working space to the Proposer.
11. Clerical support and reproduction of documentation costs shall be the responsibility of the Proposer. If required, such support and costs shall be defined in the contract negotiated.
12. The City may terminate its performance under a contract in the event of a default by the Proposer and a failure to cure such default after receiving notice of default from the City. Default may result from the Proposer's failure to perform under the terms of the contract or from the Proposer becoming insolvent, having a substantial portion of its assets assessed for the benefit of creditors, or having a receiver or trustee appointed.
13. The City has sole discretion and reserves the right to cancel this RFP or to reject any or all proposals received prior to contract award.

14. The City reserves the right to waive any formalities canceling this RFP, or to reject any or all proposals or any part thereof.
15. The City reserves the right to request clarification of any proposal after all proposals have been received.
16. The City reserves the right to select elements from different individual proposals and to combine and consolidate them in any way that best serves the City's interest. The City reserves the right to reduce the scope of the project and evaluate only the remaining elements from all proposals. The City reserves the right to reject specific elements contained in all proposals and to complete the evaluation process based only on the remaining items.
17. Proposers must furnish a "Certificate of Vote" signed by their Chief Executive Officers or managing partners, which lists the specific officers who are authorized to execute agreements on behalf of the Proposer.
18. The selected Proposer must furnish a "Certificate of Registration" which authorizes them to conduct business in the State of Texas prior to the awarding of the contract. Such Registration is obtained from the Texas Secretary of State's Office, which will also provide the certification thereof.
19. The City shall not be responsible for any costs incurred by Proposers related to the development of and/or submission of the information requested in this RFP.

1.9 MW/DBE Participation

Pursuant to City Council Motion No. 86-2204 passed August 5, 1986, each Proposer must agree that if awarded the contract, the Proposer will make good faith efforts to award subcontracts or purchase agreements of at least 24% of the service portion of the network cost, excluding hardware/software. This percentage establishes the value for MW/DBE participation goal. However, the goal can be achieved through subcontracts or purchase agreements for hardware, software or services where City certified MW/DBE capacity exists. MW/DBE firms must be certified by the City's Affirmative Action Division. Evidence of this good faith effort must be included in the proposal. Exhibit E, "MW/DBE Materials" is included for informational purposes only.

1.10 City Contractor Ownership Disclosure Ordinance

City Council requires knowledge of the identities of the owners of entities seeking to contract with the City in order to review their indebtedness to the City prior to entering contracts. Therefore, all Proposers to this RFP must comply with Houston Code of Ordinances Chapter 15, as amended (Sections 15-122 through 15-126) relating to the disclosure of owners of entities bidding on, proposing for or receiving City contracts.

Completion of Exhibit F –“Affidavit of Ownership or Control” will satisfy this requirement. Failure to provide this information may be just cause for rejection of your proposal.

1.11 City of Houston Fair Campaign Ordinance

The City of Houston Fair Campaign Ordinance makes it unlawful for a contractor to offer any contribution to a candidate for City elective office. For purposes of this ordinance a contract is defined as any contract for goods or services having a value in excess of \$30,000 or more, regardless of the way by which it was solicited or awarded. Exhibit G of this RFP describes the contract and documentation requirements relating to this ordinance.

1.12 Project Administration

Overall project administration shall be provided by Janis Jefferson, Deputy Director of Information Technology for the City of Houston. Questions regarding the scope of the project, Requirements, etc. may be addressed to the Project Manager using the instructions provided on the Internet at <http://www.houstontx.gov/it/wirelessrfp.html>.

1.13 Schedule

Listed below are important dates and times by which actions related to this RFP should be completed.

| <u>EVENT</u> | <u>DATE</u> |
|---|-------------------------|
| Date of Issue of the RFP | Friday, March 17, 2006 |
| Pre-Proposal Conference | Tuesday, April 4, 2006 |
| Written Questions from Proposers Due to City | Tuesday, April 11, 2006 |
| Responses to Questions Due to Proposers | Tuesday, April 18, 2006 |
| Proposers Indicate Intent to Participate | Tuesday, May 2, 2006 |
| Proposals Due from Proposers | Tuesday, May 16, 2006 |
| Multi-Phase Evaluation Process | June-July, 2006 |
| Contract Negotiation with Highest Rated Proposers | July-August, 2006 |
| Council Action on Contract | September, 2006 |
| Begin Implementation | September, 2006 |

2. PROJECT OVERVIEW

2.1 Introduction and background

The City has been engaged in a project to design, build and manage a wireless broadband network for intelligent parking meters in the downtown area. This project is enhancing the deployment of new credit card parking meters - with lower operating cost than commercial wireless connectivity - and allowing the City to gain valuable experience in applying technology for community benefit.

In October 2005, the Honorable Mayor Bill White announced the City's intent to expand the downtown initiative to make wireless broadband Internet access available throughout the entire City. In addition to expanding the geographic coverage of the Network, the Mayor's plan envisions this new infrastructure providing three categories of service:

- **Public Service** – This includes expanding the Network's use beyond parking meters - to include work-order management for field personnel, automated traffic signaling and other municipal applications to better serve the public.
- **Public Access** - This includes universally-available and affordably-priced Internet access for residents, businesses and visitors to the City, helping to promote economic development and digital inclusion.
- **Public Safety** – This includes longer-term plans by the City to leverage the Network to improve the safety of the public – and the safety of Public Safety Officers - by providing field personnel with better access to information.

2.2 Vision

The City's vision is to apply ubiquitous, low-cost wireless Internet access as a foundation for the City of Houston to become the most efficient, effective and responsive city government in the nation - while stimulating economic development and promoting digital inclusion for low-income and disadvantaged residents.

Ubiquitous, low-cost wireless Internet access will:

- Reduce the City's communications expenses – saving taxpayers money - and allowing the City to deliver more efficient, effective and responsive services;
- Stimulate economic development, job growth and increased competitiveness for the City - both nationally and internationally - attracting new human, financial, physical and technological capital to the region; and
- Promote digital inclusion throughout the City, particularly in low-income communities.

2.3 Policy Goals

The City's policy goals for this initiative are summarized below:

- **Universal Service** – All government employees, residents, businesses and visitors to the City deserve to have high-speed broadband services available to them;
- **Affordability** – Services shall be priced at a level that creates cost savings for the City, is affordable for all residents, businesses and visitors, and promotes economic and social benefit;
- **Use of City Assets** – The City shall apply its rights-of-way and assets, as well as those for which the City may negotiate rights to with the local electric utility, in a way that maximizes the benefit for the City and the community;
- **Competition and Consumer Choice** – Strong competition for broadband services is good for the City's economy. City agencies, residents, businesses and visitors shall have a choice of providers and products;
- **Network Neutrality** – The winning Proposer who finances and manages the Network shall not discriminate against any content, application or services provider, except in cases to prevent abuse of the Network; and
- **Private Sector Cooperation** – The City's role shall be that of a catalyst - to improve and enhance the market for broadband services in Houston. The City seeks to fulfill this role by collaborating with the private sector in a mutually-beneficial partnership.

2.4 Use of City Assets

The City intends to leverage its significant real estate holdings, as well as rights it may secure to assets owned by the local electric utility, to stimulate private investments and provide maximum value for the community.

The City's assets include:

- Approximately four hundred (400) city-owned buildings
- Eighteen (18) communications towers
- Twenty (20) miles of dark fiber
- More than 2,000 traffic signals

The City also intends to secure access to more than one (1) million street light and/or utility poles, which are owned by the local electric utility, and deployed in the City's rights-of-way.

Details of the assets referenced above will be provided to prospective Proposers upon request following the release of the RFP. These details will be provided as addenda to the RFP and will be made available at <http://www.houstontx.gov/it/wirelessrfp.html>.

3. PROPOSAL OUTLINE AND CONTENT

Proposers responding to this RFP must submit the following information, in the order specified below:

3.1 Introduction and Executive Summary

Submit a letter of introduction and executive summary of the proposal. The letter must be signed by a person authorized by your firm to obligate your firm to make the commitments contained in the proposal. Submission of the letter will constitute a representation by your firm that your firm is willing and able to perform the commitments contained in the proposal.

3.2 Firm Description

Provide information on your firm's background and qualifications which addresses the following:

- Name, mailing address, e-mail address, telephone number and fax number of the primary contact person for your firm;
- A brief description of your firm, to include number of years in business, major business lines, major markets served, company history, relevant operating segments, primary vision and strategy, number of employees, office locations and any Joint Venture Partners;
- Financial details that demonstrate your firm's financial capacity to undertake and complete the project as proposed, which shall include;
 - A current audited statement of financial condition and financial statements for the two (2) prior years prepared by an independent certified public accountant and a non-audited statement for the most recent quarter-end with a comparable statement for the prior year. Financial statements should include all of the following;
 - Income/operating statements
 - Balance sheets
 - Cash flow statements and/or statements of change in financial position
 - Appropriate footnotes to above statements and all related schedules, including debt terms and schedules, and contingent liabilities
 - A statement of capital investments made over the last five years
 - A list of other business pursuits of similar size and scope to this RFP that your firm is currently involved in;
 - A statement disclosing any state or federal bankruptcy or insolvency proceeding that Proposer has filed or with which Proposer is otherwise involved;

- Electronic copies or Internet links to the most recent Form 10-K filed by the Proposer with the U.S. Securities and Exchange Commission; and
- Electronic copies or Internet links to all Form 8-Ks filed since the filing of the most recent 10-K.
- If the proposal is submitted with Joint Venture Partners, provide full information concerning the nature and structure of the Joint Venture, including;
 - Entity (ies) that will be guaranteeing contract performance;
 - Date of Joint Venture formation; and
 - A statement as to whether the agreement between Joint Venture Partners makes each partner jointly and severally liable for contractual obligations of this project.
- Provide references for not more than three projects - similar in size and scope - performed by your firm including client, reference and telephone numbers, staff members who worked on each project, budget, schedule and project summary. Descriptions should be limited to one page for each project. If Joint Venture Partners are proposed, provide references for each;
- Describe any strategic changes your firm has undertaken in recent years, such as businesses acquired or divested, reorganizations, etc;
- Describe your firm's ownership structure;
- Identify your firm's board of directors, indicating "inside" and "outside" members;
- Describe any and all lawsuits, liens, restraining orders, consent decrees, foreclosures or other legal/financial actions either now pending, in progress or which have been brought against your firm or any of its officers/principals in the past three years. For lawsuits, include date initiated, plaintiff, description, name of court location, docket number, resolution and current status. Regarding product liability issues your firm would typically face during the normal course of business, indicate who would review these issues (e.g. corporate legal counsel, "outside" counsel, etc.) and identify what their opinion is as to your firm's exposure to product liability issues;
- Indicate whether your firm (i.e. management, key employees, large stockholders) would enter into any conflicts of interest by conducting this arrangement;
- Provide any other information not specifically itemized above that is believed to be demonstrative of your firm's financial capacity.

3.3 Solution Description

Provide information on your firm's proposed solution to address the following:

- A description of the solution that is being proposed to meet the Detailed Requirements in Exhibit B. Proposers shall enumerate their responses according to the outline in Exhibit B; and
- A completed Requirements Compliance Matrix using the template provided as Exhibit C.

3.4 Economic/Financial Projections

The City requires that each Proposer provide - using the template in Exhibit D - economic/financial projections for the costs, benefits and return on investment for the financing and management of the Network. The projections should be based on assumptions each Proposer makes regarding:

- The estimated capital cost to design and build the network;
- The estimated operating and maintenance expenses for a ten-year period;
- All other estimated cost related to the Detailed Requirements in Exhibit B;
- The amount and types of compensation paid in exchange for the use of City assets;
- The estimated number of commercial subscribers for all services for a ten-year period;
- The proposed wholesale rates to be charged to Service Providers;
- The proposed fees to be charged to the City for Public Services and Public Safety usage of the Network; and
- The proposed rates for any promotional and/or discounted retail services to be provided to low-income subscribers as retail-branded services by the winning Proposer. Please describe, from your experience in similar projects, any proposed methods that may be used to qualify low-income subscribers for these services.

The City seeks to ensure that any infrastructure deployed and/or leased services provisioned for the Backhaul Tier, Distribution Tier and Internet POP – as described in Section B.7(b), B.7(c) and B.7(d) – are the most suitable and cost effective options available. The City also seeks to ensure that existing public and/or private infrastructure that may already be deployed in the City (e.g. optical fiber) is used to the extent possible. To that end, Proposers are required to estimate the costs (capital costs if new infrastructure will be built, and operating costs if infrastructure will be leased) for the Backhaul Tier, Distribution Tier and Internet connectivity at the POP. These estimated costs should be itemized separately as noted in

Exhibit D. The company proposed to provide any leased services should also be stated. The City reserves the right to work with the winning Proposer during negotiations to maximize the suitability and cost-effectiveness of these services, including through collaboration with local providers.

The City intends to retain the rights to the Capture Portal, but may consider a separate competitive process for these rights. Proposers should estimate the revenue they anticipate over the ten-year period - should they be granted these rights - for any content, advertising or other use of the Capture Portal using the template in Exhibit D.

3.5 Deployment Plan

The City desires an expedited deployment strategy and plan in order to realize the benefits of the initiative. Proposers shall provide a strategic outline for deployment with a high level plan for deployment over a proposed period of time. Proposers shall also describe the project management methodology that will be used to execute on the deployment strategy and plan.

The winning Proposer will be expected to execute a proof of concept following the approval of any agreement with the City in order to demonstrate and validate that the solution can meet the requirements in this RFP and all service levels that may be agreed to. Please summarize your firm's proposed scope and terms for such a proof of concept.

3.6 Organizational, Service and Quality Experience

- Outline your company's proposed account management and customer service representative teams to support all locations relating to your proposed solution;
- Describe any "value added" services your company provides that should be considered in the evaluation process;
- Describe internal performance metrics used to quantify key customer support responsiveness;
- Describe any formal quality or continuous improvement process programs currently in place within your company;
- Indicate any quality awards or quality certifications that your company has achieved. Please provide supporting documentation and background information about these awards and/or certifications. Highlight relevance to the solution and/or services proposed as part of this RFP;
- Describe how your company measures and tracks quality. Describe the types of tools and procedures (auditing, surveys, focus groups, etc.) you use to verify that service performance standards are being met. Please provide examples of quality performance measurements; and
- The City's ability to manage its risk throughout the implementation and ongoing relationship is critical. Pertinent issues include sustainability, relationship flexibility,

strong contracts, competent project management, system and data security, minimal business impact, and the Proposer's stability. Describe the resources and methods that will be used by your firm to manage these risks.

4. EVALUATION CRITERIA

The process for selecting a winning Proposer for the financing and management of the Network will be an open, competitive and fair process that is in compliance with Texas statutes.

Firms with extensive experience in partnering with local governments to finance and manage wireless broadband infrastructure - consistent with the vision, objectives, policy goals and requirements defined in this RFP - are encouraged to respond.

Following an evaluation of written proposals, the Proposer(s) receiving the highest scores may be invited to participate in a second round of competition. This may be followed by a second scoring, and the highest rated Proposer(s) may be invited into contract negotiations.

4.1 Value to the Community

This will be determined by the proposed wholesale rates for all services, promotional and/or discounted retail rates for low-income subscribers, economic/financial projections and level of commitment to community programs demonstrated in response to the Requirements defined in Exhibit B and Economic/Financial Projections defined in Exhibit D to this RFP.

4.2 Value to the City

This will be determined by the proposed amount and type of compensation for the use of City assets and the proposed rates and terms for Public Service and Public Safety usage of the Network demonstrated in response to the Requirements defined in Exhibit B to this RFP.

4.3 Financial Capacity

This will be determined by the financial capacity of the Proposer demonstrated in response to Section 3.2 of this RFP.

4.4 Experience

This will be determined by the relevance and quality of references demonstrated in response to Section 3.2 and organization, quality and service experience demonstrated in response to Section 3.6 of this RFP.

4.5 Deployment Strategy and Plan

This will be determined by the timeliness and reasonableness of the proposed deployment strategy and plan demonstrated in response to Section 3.5 of this RFP.

EXHIBIT A – DEFINITION OF TERMS

Capture Portal shall refer to the web page that unauthenticated users will be redirected to when their computing device first attaches to the Network.

CBO shall refer to Community Based Organizations such as nonprofits, churches, faith-based organizations, social service organizations and community technology centers.

City shall refer to the City of Houston, TX.

Core ISP Services shall refer to value added features which are bundled with Internet access by Service Providers such as email accounts, newsgroup access and virus and/or spam protection.

CPE shall refer to Customer Premise Equipment.

CTC shall refer to Community Technology Center

Fixed Broadband shall refer to a service that provides Internet access for a stationary subscriber at a single location (the location where service is provisioned).

HFD shall refer to the Houston Fire Department.

HPD shall refer to the Houston Police Department.

Interior Room shall refer to a room within a building that does NOT have at least one wall directly facing a public street.

Joint Venture Partner shall refer to any organization proposing to provide products or services in response to this RFP through a partnership with the Proposer.

Mbps shall refer to Megabits per second.

MPH shall refer to Miles Per Hour.

MTBF shall refer to Mean Time Between Failures.

MW/DBE shall refer to Minority/Women/Disadvantaged Businesses Enterprises

Network shall refer to a wireless broadband Internet access system that is deployed throughout the City.

Network Operator shall refer to the winning Proposer to this RFP who is responsible for the financing and management of the Network.

NOC shall refer to Network Operations Center.

Nomadic Broadband shall refer to a service that provides Internet access for a stationary subscriber at a variety of locations throughout the City.

Open Access shall refer to the winning Proposer's commitment to provide access to its wireless broadband Internet access transport services to multiple unaffiliated Service Providers.

Perimeter Room shall refer to a room within a building that has at least one wall facing a public street.

PMSA shall refer to Primary Metropolitan Statistical Area.

POP shall refer to an Internet Point of Presence.

Portable Broadband shall refer to a service that provides Internet access for an in-motion subscriber at a variety of locations throughout the City.

Proposer shall refer to a prime bidder to this RFP.

RFP shall refer to Request for Proposal.

Requirements shall refer to items defined in Exhibit B of the RFP.

Service Provider shall refer to any organization, whether affiliated with the winning Proposer or not, who markets, sells and supports services over the Network.

Tier 1 Support shall refer to the process of responding to, diagnosing and attempting to resolve issues reported by users of the Network.

Tier 2 Support shall refer to the process of responding to issues escalated by Tier 1 Support representatives who are unable to resolve issues reported by users of the Network.

Tier 3 Support shall refer to the process of responding to issues escalated by Tier 2 Support representatives who are unable to resolve issues escalated from Tier 1 Support representatives.

VPN shall refer to Virtual Private Network.

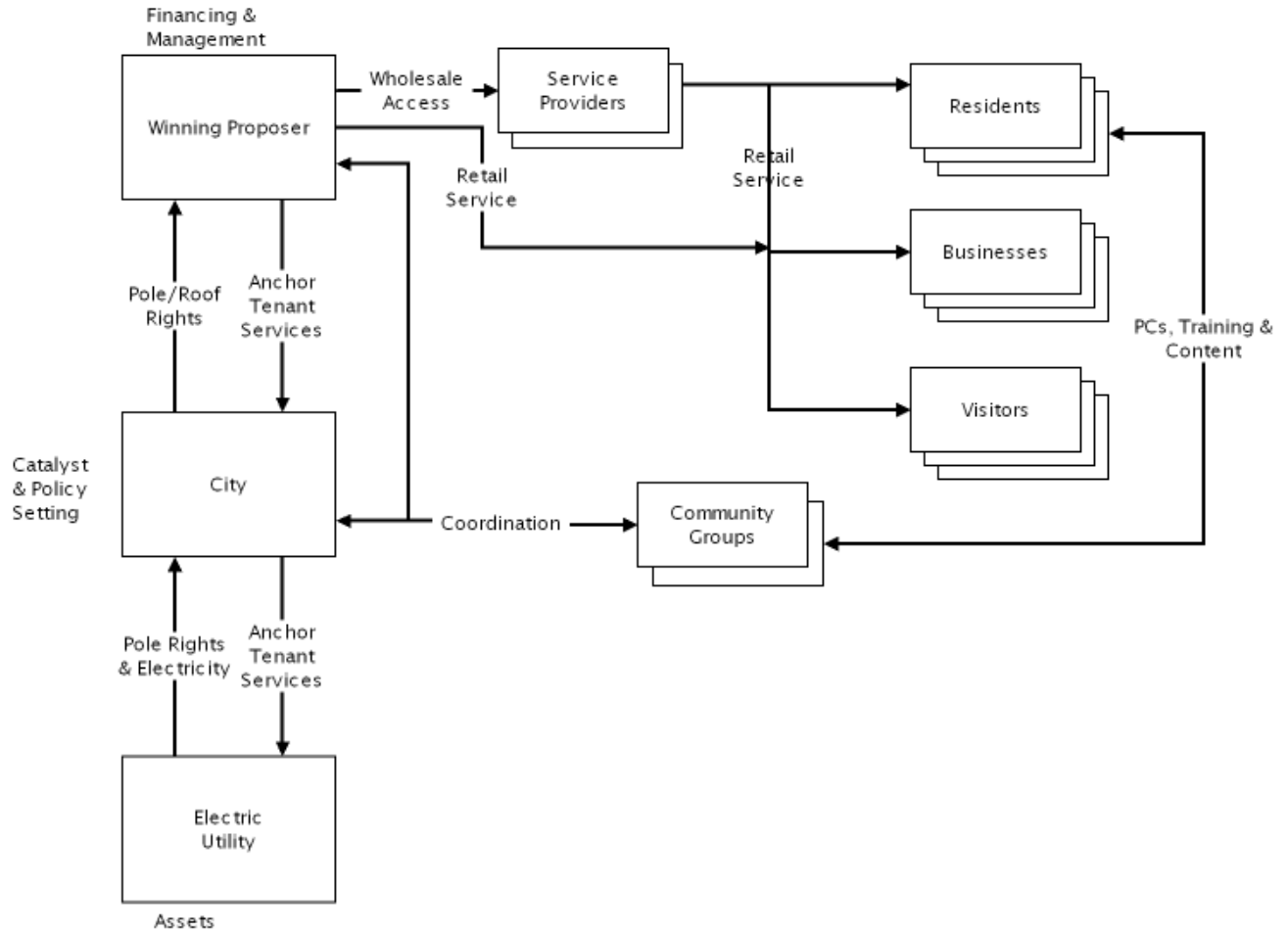
VLAN shall refer to Virtual Local Area Network.

Wi-Fi (Wireless Fidelity) shall refer to wireless technologies adhering to the IEEE 802.11b and 802.11g technical standards.

WiMAX (Wireless Interoperability for Microwave Access) shall refer to wireless technologies adhering to the IEEE 802.16 technical standards.

EXHIBIT B - DETAILED REQUIREMENTS

B.1 Business Model



- The winning Proposer will finance, design, deploy and manage a citywide wireless broadband network.
- The City and other entities will grant rights to street and/or utility-poles, rooftops, electricity and other assets on a competitively-neutral and non-discriminatory basis to the winning Proposer.
- The winning Proposer will make access to the network available on a wholesale basis to multiple and competing retail Service Providers, who will market the service to residents, businesses and visitors. These Service Providers will also be responsible for subscriber billing, customer care and other required functions. The City will regulate wholesale rates through its contract with the winning Proposer in order to stimulate competition for lower-priced retail services.
- The winning Proposer may also market retail services over the network.

- The City will retain the right to the Capture Portal, in terms of both revenue related to commercial content and advertising on this page, as well as management of the pages' design, branding, layout, development and maintenance.
- The City will retain the right to review and suggest alternative providers and solutions for the Internet connectivity required at the POP.
- The City and the winning Proposer will collaborate with social service, nonprofit and other community groups to affect low-cost computer purchase, training and content for low-income and disadvantaged residents.
- The city may desire to extend its rights under any resulting contract to other political subdivisions and state agencies within the Houston PMSA - with the same or similar terms and conditions. This may result in the winning Proposer having the right, but not the obligation, to perform the financing and management of similar networks in other communities throughout the region.

B.2 Coverage

- a. Wireless Internet access shall be provided throughout the entire City. Solutions that provide access in only parts of the City that are more densely populated or commercially attractive, or that leave entire neighborhoods underserved, will not be considered.
- b. Outdoor coverage shall be provided for a minimum of 95% of all areas of the City. An area is considered covered under this requirement if a laptop, handheld or other personal computing device - equipped with a minimum of an 802.11b/g (Wi-Fi) interface - can access the network at the provisioned service level with no additional hardware required beyond the device's standard wireless interface.
- c. Indoor, Perimeter Room coverage shall be provided for a minimum of 90% of all residential and commercial buildings throughout the City. A building is assumed covered under this Requirement if a device located in each Perimeter Room on the ground and second floor of the building can access the Network at the provisioned service level. This coverage requirement may be met by using a Wi-Fi interface built into a user's device, a signal amplifier, a high-gain antenna and/or a dedicated Wi-Fi bridge or other type of CPE.
- d. Indoor, Perimeter Room coverage shall be provided for a minimum of 90% of all residential and commercial buildings throughout the City. A building is assumed covered under this Requirement if all Perimeter Rooms on all floors of the building can access the Network at the provisioned service level. Proposers shall address the following as it relates to this Requirement:
 - Does your solution propose to meet this Perimeter-Room coverage Requirement using Wi-Fi or another wireless technology?
 - If so, will your solution meet this Perimeter-Room access Requirement using an indoor or outdoor mounted antenna?

- If not, what commitment is your organization willing to make to outreach to - and cooperate with - building owners, landlords, the City or other parties to meet this Requirement using in-building distribution networks?
- e. Indoor, Interior Room coverage shall be provided for a minimum of 90% of all residential and commercial buildings throughout the City. A building is assumed covered under this Requirement if all rooms on all floors of the building can access the Network at the provisioned service level. Proposers shall address the following as it relates to their proposed solution:
- Does your solution propose to meet this Interior Room coverage Requirement using Wi-Fi or another wireless technology?
 - If so, will your solution meet this Interior Room coverage Requirement using an indoor or outdoor mounted antenna?
 - If not, what commitment is your organization willing to make to outreach to - and cooperate with - building owners, landlords, the City or other parties to meet this Requirement using in-building distribution networks?

B.3 Multi-Use

- a. The Network shall support concurrent usage by City agencies (Public Service and Public Safety), residents, businesses, institutions and visitors to the City. Examples of usage scenarios and demand may include:
- Residents and visitors may use the Network for such uses as E-mail, web browsing, instant messaging, and entertainment and voice services. To assist Proposers in forecasting demand for residential usage, and planning for the required capacity, summary residential demographics and links to additional resources are provided below.
 - The City of Houston is 639.82 square miles with a population of more than two million people.
 - General information about the city is published in the city's Almanac¹. The Almanac contains information about Houston's people, culture, history, recreation and education. Along with census information, the Almanac covers topics from basic socioeconomic and housing issues to the climate in the city.
 - The Planning and Development Department uses information from the U.S. Census Bureau along with other agencies to develop demographic data² and estimates for the City as well as City Council Districts and City Super Neighborhoods. This Demographic data includes, but is not limited

¹ The City's Almanac can be accessed at http://www.houstontx.gov/planning/Publications/Almanac2003_final.pdf.

² The City's Planning and Development Department published much of this information in the April, 2005 report "How We Compare", which can be accessed at http://www.houstontx.gov/planning/ComPlanning/How_fulldoc.pdf.

to: population, housing, household, income, and other social characteristics.

- Population projections from 2000 – 2060 are available at <http://www.houstontx.gov/planning/Demographics/demographics/PopProjections.htm>.
- City Council District Maps can be accessed at <http://www.houstontx.gov/council/maps/index.html>.
- Businesses may use the Network for such uses as remote office connectivity, supply chain integration, customer relationship management and inventory control. To assist Proposers in forecasting demand for business usage, and planning for the required capacity, summary business demographics and links to additional resources are provided below.
- The Harris County Appraisal District (HCAD) manages the reporting of business personal property assets (inventory, machinery and equipment, furniture and fixtures, computers, vehicles, vessels, aircraft, etc.) HCAD's 2005 data estimates that there are approximately 95,000 businesses in Harris County, with approximately 80,000 of those in the City of Houston.

| Jurisdiction No. | Jurisdiction Name | Accounts |
|------------------|------------------------------|----------|
| 51 | BAYTOWN, CITY OF | 1,884 |
| 52 | BELLAIRE, CITY OF | 989 |
| 53 | BUNKER HILL VILLAGE | 46 |
| 54 | DEER PARK, CITY OF | 754 |
| 55 | HEDWIG VILLAGE | 580 |
| 56 | EL LAGO, CITY OF | 55 |
| 57 | GALENA PARK, CITY OF | 188 |
| 60 | HILSHIRE VILLAGE, CITY OF | 35 |
| 61 | HOUSTON, CITY OF | 80,090 |
| 62 | HUMBLE, CITY OF | 1,321 |
| 65 | HUNTERS CREEK VILLAGE | 49 |
| 66 | JACINTO CITY, CITY OF | 295 |
| 70 | JERSEY VILLAGE, CITY OF | 262 |
| 71 | LA PORTE, CITY OF | 825 |
| 72 | MORGANS POINT, CITY OF | 82 |
| 73 | NASSAU BAY, CITY OF | 394 |
| 74 | PASADENA, CITY OF | 3,675 |
| 75 | PINEY POINT VILLAGE, CITY OF | 30 |
| 76 | SEABROOK, CITY OF | 348 |
| 77 | SHOREACRES, CITY OF | 16 |
| 78 | SOUTH HOUSTON, CITY OF | 736 |
| 79 | SOUTHSIDE PLACE, CITY OF | 94 |
| 80 | SPRING VALLEY, CITY OF | 187 |
| 82 | TAYLOR LAKE VILLAGE, CITY OF | 31 |
| 83 | TOMBALL, CITY OF | 923 |
| 84 | WEBSTER, CITY OF | 884 |
| 85 | W UNIVERSITY PLACE, CITY OF | 250 |
| TOTAL | | 95,023 |

- Additional data on the number of business establishments by industry type can be found at <http://www.city-data.com/business/econ-Houston-Texas.html>.

- The Greater Houston Partnership (GHP) Technology Infrastructure Committee (TIC), a group of senior executives from the Houston region's myriad educational, business, medical and social/nonprofit enterprises, assembled over the first nine months of 2005 to envision Houston's future technology infrastructure needs and develop a blueprint to turn technology dreams into technological reality. TIC shares the City's vision for a Digital Houston and has been actively engaged in this RFP process. Proposers are encouraged to review TIC's white paper Imagine.Houston at <http://www.houston.org/pdfs/ImagineHouston.pdf>.
- Institutions such as libraries, universities, healthcare organizations and nonprofits may use the Network for increased interaction between their institutions and constituents. To assist Proposers in forecasting demand for institutional usage, and planning for the required capacity, summary institutional demographics and links to additional resources are provided below.
 - The Houston Public Library system serves the City's culturally diverse community by offering a broad program of free educational, informational and recreational activities through a central complex and neighborhood branch libraries. The Library system is composed of a Central Library Complex, including the Houston Metropolitan Research Center and Clayton Center for Genealogical Research, and 36 branch libraries providing a network of materials, services and programs to Houston's diverse neighborhoods. Additional details on HPL locations can be obtained at <http://www.houstonlibrary.org/branches/>
 - From Rice University to the Baylor College of Medicine, Houston is home to more than forty colleges, universities and institutes. An index of universities in the Houston area can be found at <http://www.houston-texas-online.com/collegesuniversities.html>
 - In addition to being the home of the world's largest medical center – Texas Medical Center, with more than 42 institutions, 75,000 life science professionals and 5 million annual patents – Houston has four major universities, four major academic research and healthcare institutions, five major hospitals and three major federal facilities. Additional information on Houston's healthcare institutions can be found at <http://www.biohouston.org/uploads/At%20a%20glance.pdf>
 - Houston is also home to hundreds of nonprofit organizations that contribute to public benefit in the region. An index of these nonprofits can be found at http://www.houstonataglance.com/list_nonprofits.htm
- The City's Public Service agencies may use the Network for uses such as those indicated in the following table. To assist Proposers in forecasting demand for Public Service usage, and planning for the required capacity, the number of potential Public Service users is also provided for each application below.

| Public Service Applications Roadmap | No. of users < 6 Months | No. of users < 18 Months | No. of users < 36 Months | Comments |
|---|-------------------------|--------------------------|--------------------------|---|
| Access to Workorder System (water/sewer) UCS | 30 | | 186 | Access the Water/Wastewater Billing System |
| Access to Workorder System (water/sewer) WP | 150 | | | Access to Datastream 7i for Maintenance and Operations Personnel |
| Access to Workorder System (water/sewer) UMB | | 300 | | Access to IMS and Datastream 7i for Maintenance and Operations Personnel |
| Access to Workorder System (water/sewer) WW | | | 200 | Access to Datastream 7i for Maintenance and Operations Personnel |
| Access to ETS/Pocket Inspector/SCADA (sewer) | 100 | | | Access to ETS/SCADA/Pocket Inspector for Collection Rehab Contracts |
| Access to Workorder System CIPMS | 55 | 95 | 100 | PDA & Laptops Realtime Data Transfer to CIPMS |
| Field Inspections CIPMS | 55 | 95 | 100 | PDA & Laptops Realtime Data Transfer to CIPMS |
| Meter Reading/Telemetry UCS | 5 | 20 | 200 | AMR System |
| Meter Reading/Telemetry WP | | 200 | | Wireless Water Pressure Transmitters and Water Quality Analyzers |
| Building Inspection Wireless Field Data Entry | 150 | | | Wireless Inspection Results from Field Inspections sent to Mainframe Computer |

- The City's Public Safety agencies may use the Network for uses such as those indicated in the following table. To assist Proposers in forecasting demand for Public Safety usage, and planning for the required capacity, the number of potential Public Safety users is also provided for each application below.

| Applications/Timeline | < 6 Months | < 18 Months | < 36 Months | Comments |
|--|------------|-------------|-------------|--|
| Public Safety (Police) | | | | |
| Police | | | | |
| Offense Reports | | 1930 | 2180 | |
| Racial Profiling | | 1930 | 2080 | |
| Towing | | 1930 | 2080 | |
| DWI Enforcement | | 1930 | 2080 | |
| Accident Reporting | | 1930 | 2080 | |
| Tickets and Citations | | 1930 | 2080 | |
| Truck Enforcement | | 30 | 30 | |
| Mapping/AVRR | | 4130 | 4280 | |
| Web-enabled Access to HPD's Records Mgt System | | 4130 | 4280 | |
| Basic Internet Access | | 2200 | 2200 | |
| Basic Intranet Access | | 4130 | 4280 | |
| Remote Video Surveillance | | 100 | 100 | Connection between Mobile Command Post and private in-building security system relayed to 100 vehicles at 30 Frames per Second |
| Transfer of Video from In-Vehicle Cameras | | 184 | 400 | 30 Frames per Second |
| MDC to MDC and MDC to Command Center Instant Messaging | | 1930 | 2080 | |
| Email/Calendar to MDCs | | 1930 | 2080 | |
| Overhead GIS Images | | | 4280 | |
| Jail Booking Capability | | | 2080 | |
| Crime Analysis | | | 3180 | |

- The Network shall support the logical segmentation of different "domains" of users (e.g. secure access by Public Service and/or Public Safety usage, secure and/or open access for public users, residential users, business users, etc.). This shall include the ability to define and manage different profiles (e.g. VLANs) for authentication, encryption and other service characteristics based on the requirements of each user-domain.
- The Network shall support the ability to prioritize traffic for Public Service and/or Public Safety usage in cases of emergency or as required by the City. Proposers shall define the methods that will be used to prioritize municipal traffic in cases of natural disaster or other emergency.

B.4 Open Access

- The winning Proposer shall provide access to its wireless broadband Internet access transport services to multiple unaffiliated Service Providers.

- b. The Network shall support unilateral, inbound roaming relationships whereby subscribers to other fee-based Wi-Fi roaming services may gain access to the Network.
- c. The Network shall support unilateral, outbound roaming relationships whereby subscribers to the Network may gain access to other fee-based Wi-Fi roaming services.
- d. The winning Proposer, and any Service Provider affiliated with the winning Proposer, may also provide retail-branded services over the Network.

B.5 Services and Provisioning

- a. The Network shall provide a Fixed Broadband service. This service must support 802.11 b/g devices at a best-effort minimum 1 Mbps symmetric data transmission rate, a dynamic IP address and other Core ISP Services.
- b. The Network shall provide a Nomadic Broadband service. This service must support 802.11 b/g devices at a best-effort minimum 1 Mbps symmetric data transmission rate, a dynamic IP address and other Core ISP Services.
- c. The Network shall provide a Portable Broadband service. This service must support 802.11 b/g devices at a best-effort minimum 1 Mbps symmetric data transmission rate, a dynamic IP address and other Core ISP Services. Session-level connectivity must be maintained for in-motion subscribers at a minimum speed of 30 MPH.
- d. The Network shall provide free public access in City-designated areas surrounding convention centers, libraries, parks and other public spaces, not to exceed 5% of the geographic coverage area of the Network. Additional detail on City-designated spaces will be provided in the FINAL RFP.
- e. The Network shall provide a Fixed Broadband service at a discounted rate for low-income subscribers or a free service throughout the City, which may be made available at a reduced data transmission rate.
- f. The Network shall provide a Fixed Broadband business-class service at a guaranteed minimum 3 Mbps symmetric data transmission rate (e.g. wireless T-1 alternative).
- g. The winning Proposer shall allow Service Providers to provision services on a monthly, weekly and daily basis.
- h. Payment methods for all residential services must include credit and debit card. Other methods must be proposed for users who do not have the ability or do not wish to pay with credit or debit cards (e.g. pre-paid vouchers, top-off cards).
- i. Proposers shall include in their proposal the expected costs of any required CPE for each Coverage Requirement and Service defined above. Proposers shall also state who will be responsible for CPE costs during the provisioning process.

- j. The Network shall support a wide variety of devices (e.g. personal computers, laptop computers, handheld devices, smart phones, etc.) as well as proprietary, standards-based and open source operating systems (e.g. Microsoft Windows, Apple Macintosh, Linux, etc.)

B.6 Service Pricing

- a. Proposers shall propose specific wholesale rates in their proposals for each service defined in the Services and Provisioning Requirements above. All rates, terms and conditions for Service Providers not affiliated with the winning Proposer shall be as favorable as those provided to the winning Proposer and/or Service Providers affiliated with the winning Proposer.
- b. Proposers shall estimate the retail rates for any services to be marketed to the public by the winning Proposer.
- c. Proposers shall describe the trade-offs between any proposed discounted rate for low-income subscribers and any proposed citywide free service tier in terms of their impact to the City's digital inclusion goals, community program Requirements and economic viability and sustainability of the Network.

B.7 Network Infrastructure

- a. The Network shall include a wireless Access Tier that supports connectivity from 802.11b/g devices through the City.
- b. The Network may include a fixed wireless point-to-multipoint solution as a Backhaul Tier for aggregating Wi-Fi traffic from the Access Tier. Other technologies (wired or wireless) may be proposed for this Backhaul Tier if they are demonstrated to be more suitable and/or cost effective, however the "wireless T-1 alternative" requirement defined in Section B.5(f) must still be met.
- c. The Network may include a fixed wireless point-to-point solution, using licensed or leased spectrum, as a Distribution Tier for aggregating traffic from the Backhaul Tier back to an Internet POP. Optical fiber may be used as an alternative to wireless technology for this Distribution Tier if it is demonstrated to be more suitable and/or cost-effective.
- d. All Network traffic shall be aggregated back to a high-speed Internet backbone service at a POP, which shall support layer-three network transit for registered Service Providers. Provisions shall be made for redundancy of the POP facility.
- e. The Network shall support fault tolerance mechanisms to mitigate and/or eliminate single points of failure and ensure high reliability. The Network shall support reliability levels of 99.9% for the Access Tier and 99.999% for the Backhaul Tier, Distribution Tier and POP. Proposers shall identify the MTBF for any proposed network equipment and explain the processes that will be used to guarantee these service levels.

- f. The Network shall support contingency mechanisms to insure operation during a natural or other disaster. Proposers shall describe their proposed disaster recovery plan for the Network.
- g. The Network shall be easily scaled and upgraded in a modular fashion to support additional subscribers, new applications and new requirements, in order to meet evolving user demands. Proposers shall estimate the percentage of the initial Network capital cost that will be invested in upgrades during the contract term and will describe the technology roadmap for any planned upgraded.
- h. All outdoor equipment shall comply with IP56/NEMA4 dust and water ingress ratings, must withstand ambient temperature ranges of –40 C to +50 C and must adhere to all other applicable local ordinances.
- i. Proposers shall define any initial and/or future ability for their solution to provide, integrate with, coexist with or complement 4.9 GHz wireless public safety technology that may be of value to the City's public safety agencies. The Network shall not prohibit or negatively impact any initiative by the City during the contract term related to the deployment of wireless or other public safety technology.
- j. The Network shall support backup power for all network equipment sufficient to ensure continuous operation during a loss of electrical power. Proposers shall state the amount of time their solution will operate without electrical power and elaborate on any initial or future commitments they will make to increase backup power support.

B.8 Customer Service

- a. Tier 1 Support for all services shall be provided by all registered Service Providers (including the winning Proposer if they are also providing retail services). Tier 1 Support shall provide subscribers with phone, web, e-mail and instant messaging support options for at least the following issues:
 - Sales inquiries
 - Order status
 - Service cancellation
 - Service setup
 - Connectivity problems
 - Service interruption/degradation
 - Credits and refunds processing
 - Account and billing inquiries
 - Disconnect and relocation requests
- b. Tier 2 Support shall be provided by the winning Proposer for all registered Service Providers. Tier 2 Support must provide Service Providers with phone and email support options for at least the following issues:
 - Escalation of issue not resolved by Service Provider's Tier 1 representatives
 - Proactive network status information

- Three-party calling with Tier 2 Support agents, Tier 1 Support agents and subscribers
 - Settlement and billing inquiries between Service Provider and the winning Proposer
- c. Tier 3 Support shall be provided by the winning Proposer for all registered Service Providers. This shall include at least the following:
- 7x24x365 management of personnel at the NOC
 - 7x24x365 pager and phone support for registered Service Providers
 - Call escalation of critical issues not resolved by Tier 2 Support representatives
 - Proactive publishing of network status information, alerts, etc. by the winning Proposer

B.9 Security

The Network shall support multi-layered security protocols and methods, to include at a minimum the following:

- a. Physical security for all critical network equipment components via secured facilities.
- b. Mechanisms to prevent or mitigate the risk of hackers, spammers, denial of service and other forms of malicious attacks on or through the network. These mechanisms should balance the need to prevent these attacks, while at the same time not punishing or burdening unnecessarily all users of the Network.
- c. No client software that is specific to the winning Proposer or Service Provider(s) shall be required on PCs, laptops or other mobile devices in order to use the network.
- d. Support for Media Access Control ("MAC") address filtering.
- e. Support for Wired Equivalent Privacy ("WEP") encryption, including both 64 and 128 bit keys.
- f. Support for Temporal Key Integrity Protocol ("TKIP") encryption.
- g. Support for Advanced Encryption Standard ("AES") encryption.
- h. Support for Wi-Fi Protected Access ("WPA").
- i. Support for 802.1x authentication using Extensible Authentication Protocol ("EAP") and Remote Authentication Dial-In User Service ("RADIUS").
- j. Support for the suppression of Extended Service Set Identifier ("ESSID") broadcasts.
- k. Support for multiple ESSIDs and the ability to map ESSIDs individually to Virtual LANs ("VLANs").

- l. Support for filtering of traffic based on Internet Protocol ("IP") addresses, subnets and Transmission Control Protocol ("TCP") ports.
- m. Support for VPN tunneling using Internet Protocol Security ("IPSec"). This VPN support must support true end-to-end encryption, regardless of at what point in the Network users elect to terminate their session.
- n. Support for encryption of all control and network management traffic.
- o. The Network's systems infrastructure (nodes, servers, access points, etc.) must offer compliance with applicable regulatory requirements; monitoring and logging of device activity (i.e., logon, logoffs, privileged/authorized user access activity; program access activity, file/folder access activity, security violations, and production environment changes); real-time alerts and notifications; and allow detailed customizable reporting for auditability and ensuring the privacy, integrity and accountability over the network information and assets.
- p. The Network's system infrastructure must be capable of real-time identification, monitoring, auditing and alerting of inappropriate network access activity (i.e. denial of service attacks).

B.10 Privacy

The City requires that consumer privacy be protected for all users of the Network.

- a. A full disclosure of the privacy policy for all Proposers is required. This privacy policy shall adhere to all applicable federal and state laws, shall be communicated to all users on the Network and shall require users' explicit acceptance before any service is provisioned.

Proposers' privacy policy should, at a minimum, address the following:

- b. What information is collected, how it will be used, how long it will be stored, who it will be shared with (under what conditions) and whether it is correlated to a specific user, device or location.
- c. Mechanisms be provided to allow users to opt-in or opt-out of any service that tracks information about the user's physical location.
- d. Mechanisms be provided to allow users to opt-in or opt-out of any service that collects, stores, profiles, shares or markets information - whether correlated to a specific user, device or location or on an aggregate basis - on the searches performed, websites visited, emails sent or any other use of the network or transmission of data by users.
- e. Users not be "enumerated" or assigned any unique number that can be used to track individuals from session to session without their express consent.
- f. Data about users not be commercialized in any way without their express consent.

- g. Policies be in place to respond to legal demands for users' personal information in accordance with applicable laws.
- h. Personal information about users be kept only as long as it is operationally necessary.
- i. No blocking of applications, ports or other communication be used, except in situations where this blocking is solely to prevent Network abuse or is required by law.
- j. Users be allowed reasonable access to any information collected about them, including a reasonable opportunity to review information and to correct inaccuracies or delete information.

B.11 Community Technology Programs

A desired outcome of the Digital Houston initiative is to expand the use of broadband and other technologies to strengthen education, healthcare, employment, public safety and other services, which will be life-enhancing for Houston's underserved populations. Preference will be given to comprehensive proposals that integrate common platforms and solutions to address the needs of low-income and underserved communities.

The City has a well-established core of community technology organizations, which will play a key role in the success of this initiative. These organizations currently contribute to the City by operating or supporting the work of community technology programs to support social initiatives as described in the sections below:

Basic and Enhanced Community Technology Services

In Houston, numerous Community Based Organizations (CBOs) have been established as a result of programs and policies initiated by the federal government, State of Texas, Harris County, the City, nonprofits and directed philanthropy.

It is critical for Proposers to understand the importance of the local landscape and its connection to constituents. These CBOs are the gate keepers of local information and are, therefore, the appropriate actors for collaborating in the development of local content that is relevant, useful and available both online and in other forms.

Basic Community Technology Services - Local Content and Culture of Use

Local content – relevant and meaningful community and neighborhood-based information on topics such as employment, housing, community events, education, childcare, social services and the arts – must be able to be understood by limited-literacy users, published in appropriate languages and offered in culturally appropriate ways.

As policies and programs are further implemented to encourage digital inclusion, design and deployment teams will focus their efforts on using emerging technologies as a tool to strengthen and support our existing community technology infrastructure. Strategies that promote a culture-of-use and digital skills in CBOs, and the constituencies they work with, are critical. Some activities that will promote a culture of-use include:

- Developing stronger and deeper links between technologists and community builders so that awareness of technology's impact is better understood;
- Creating an inventory of community based applications (i.e. SimHouston and other tools), along with technology descriptions, that illustrate how technology tools can be utilized as tools for personal improvement and social change; and
- Expanding online and offline opportunities for CBOs to build capacity as well as share knowledge and experience around meaningful content, training materials and applications.

Enhanced Community Technology Services

Through the work of various CBOs within the City the effectiveness of several selected Community Technology Centers (CTCs) serving low-income neighborhoods are being strengthened. Proposers have the opportunity to work with selected community-based organizations to encourage digital inclusion by coordinating and enhancing community technology initiatives to create common platforms, programs and goals so as to ensure the enhanced usefulness and effectiveness of these programs and activities.

These digital inclusion initiatives can help to promote communication and cross-learning across selected CTCs, provide bandwidth and strategic seed funding, introduce computer and technology skills to low-income and under-resourced populations, and provide accessible and central support, capacity building activities, technical assistance and other services.

The strategic use of broadband technology could streamline service delivery, help selected CBOs effectively serve a larger number of constituents, facilitate community-based online projects, and facilitate collaboration across multiple CBOs in multiple low-income and under-served neighborhoods.

Enhanced Quality of Life

The City envisions that Digital Houston will focus on building economic, social, and cultural bridges between the diverse City neighborhoods and direct positive change within our City while leveraging Proposers' relationships and the rich diversity of Houston's CBOs. Community technology leaders in the City envision that the Network could provide significant new functionality and resources to address digital inclusion issues and enhance the quality of life.

The expansion of broadband and other relevant technologies into underserved communities develops the ability of these communities to adequately address their local issues and concerns. Many communities desire to increase their capacity to improve quality of life in their communities through education, healthcare, jobs, public safety and other services in their communities.

Proposers have the opportunity to recommend programs and innovative uses of broadband and other technology to address these issues. The City is particularly interested in any best practices, which can be applied in the City in partnership with existing community technology leaders.

Proposers are requested to describe in detail:

- a. What experience your firm has in coordinating this type of service delivery and connections with CBOs;
- b. Proposed methods to Introduce computer and technology skills to underserved and underemployed residents in support of employment in low-income communities;
- c. Proposed methods to utilize broadband technology as a catalyst to improve education in low-income communities especially at the K-12 level;
- d. How your proposed solution will collaborate with and support CTCs;
- e. How your proposed solution will improve connectivity and provide bandwidth in support of CBOs including CTCs;
- f. How your proposed solution will provide strategic seed funding in support of CBOs;
- g. Proposed methods to utilize broadband technology as a catalyst to improve health and public safety in low-income communities;
- h. How you will work with existing CBOs to address the issue of technology recycling and refurbishment; and
- i. How you will work with existing CBOs to increase the availability of low-cost computers and equipment to individuals and organizations in low-income communities.

EXHIBIT C – REQUIREMENTS COMPLIANCE TEMPLATE

Attached

EXHIBIT D – ECONOMIC/FINANCIAL DESCRIPTION TEMPLATE

Attached

EXHIBIT E – MW/DBE MATERIALS

Goal Oriented Minority, Women, Disadvantaged Business Enterprises Contract Requirements

ATTACHMENT “A”

**CITY OF HOUSTON
SCHEDULE OF MW/DBE PARTICIPATION**

DATE OF REPORT: _____

BID No.: _____

FORMAL BID TITLE: _____

| NAME OF MINORITY/ WOMEN SUBCONTRACTOR | AFFIRMATIVE ACTION DIVISION CERTIFICATION No. | STREET ADDRESS AND CITY, STATE, ZIP CODE | TELEPHONE No. | SCOPE OF WORK | AGREE PRICE |
|---|---|---|------------------|------------------|-------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

TOTAL.....

MW/DBE PARTICIPATION AMOUNT.....

TOTAL BID AMOUNT.....

\$_____

\$_____%

\$_____

ATTACHMENT "A" (CONTINUED)

IF YOU HAVE USED YOUR BEST EFFORTS TO CARRY OUT THE CITY'S MW/DBE POLICY BY SEEKING SUBCONTRACTS AND SUPPLY AGREEMENTS WITH MINORITY AND WOMEN BUSINESS ENTERPRISES, YET FAILED TO MEET THE STATED PERCENTAGE GOAL OF THIS BID DOCUMENT, LIST BELOW YOUR GOOD FAITH EFFORTS FOR COMPLIANCE (DEFINITION OF REQUIREMENTS CAN BE OBTAINED THROUGH AFFIRMATIVE ACTION AT (713) 837-9000).

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THE UNDERSIGNED WILL ENTER INTO A FORMAL AGREEMENT WITH THE MINORITY AND/OR WOMEN SUBCONTRACTORS AND SUPPLIERS LISTED IN THIS SCHEDULE CONDITIONED UPON AWARD OF A CONTRACT FROM THE CITY.

NOTE:
ALL FIRMS LISTED ABOVE MUST BE CERTIFIED (OR ELIGIBLE FOR CERTIFICATION) BY THE AFFIRMATIVE ACTION DIVISION.
THIS SCHEDULE OF MW/DBE PARTICIPATION SHOULD BE RETURNED, IN DUPLICATE, WITH THE BID FORM.

BIDDER COMPANY NAME

SIGNATURE OF AUTHORIZED OFFICER OR AGENT OF BIDDER

NAME (TYPE OF PRINT)

TITLE

ATTACHMENT "B"

SAMPLE LETTER OF INTENT

THIS AGREEMENT IS SUBJECT TO BINDING ARBITRATION ACCORDING TO THE TEXAS GENERAL ARBITRATION ACT.

TO: **City of Houston**
City Purchasing Agent

MINORITY, WOMEN, DISADVANTAGED BUSINESS ENTERPRISE (MW/DBE) AND SUPPLIER

LETTER OF INTENT

Contract Bid Number: _____

Bid Title: _____

Bid Amount: _____

MW/DBE Participation Amount: \$ _____ **MW/DBE GOAL**
_____ %

1. _____ agrees to perform work/supply goods and/or
Name of Minority, Women, Disadvantaged Business Enterprise
services in connection with the above-named contract and _____ as:

Name of Prime Contractor

- (a) _____ An Individual
(b) _____ A Partnership
(c) _____ A Corporation
(d) _____ A Joint Venture

2. _____ status is confirmed by MW/DBE Directory made
Name of Minority, Women, Disadvantaged Business Enterprise
available through the City of Houston Affirmative Action Division. Certificate No.: _____.

3. _____ and _____
Name of Prime Contractor **Minority, Women, Disadvantaged Business Enterprise**
intend to work on the above-named contract in accordance with the MW/DBE Participation Section of the City of Houston Contract Bid Provision.

The terms and conditions of Attachment "C" attached hereto are incorporated into this Letter of Intent for all purposes.

Signed-Prime Contractor
Enterprise

Signed-Minority, Women, Disadvantaged Business

Title

Date

Title

Date

ATTACHMENT “C”

CITY OF HOUSTON CERTIFIED MW/DBE SUBCONTRACT TERMS

Contractor shall insure that all subcontracts with MW/DBE subcontractors and suppliers are clearly labeled “**THIS CONTRACT IS SUBJECT TO BINDING ARBITRATION ACCORDING TO THE TEXAS GENERAL ARBITRATION ACT**” and contain the following terms:

1. _____ (MW/DBE subcontractor) shall not delegate or subcontract more than 50% of the work under this subcontract to any other subcontractor or supplier without the express written consent of the City of Houston’s Affirmative Action Director (“the Director”)
2. _____ (MW/DBE subcontractor) shall permit representatives of the City of Houston, at all reasonable times, to perform 1) audits of the books and records of the subcontractor, and 2) inspections of all places where work is to be undertaken in connection with this subcontract. Subcontractor shall keep such books and records available for such purpose for at least four (4) years after the end of its performance under this subcontract. Nothing in this provision shall affect the time for bringing a cause of action nor the applicable statute of limitations.
3. Within five (5) business days of execution of this subcontract, Contractor (prime contractor) and Subcontractor shall designate in writing to the Director an agent for receiving any notice required or permitted to be given pursuant to Chapter 15 of the Houston City Code of Ordinances, along with the street and mailing address and phone number of such agent.
4. As conclude by the parties to this subcontract, and as evidenced by their signatures hereto, any controversy between the parties involving the construction or application of any of the terms, covenants or conditions of this subcontract shall, on the written request of one party served upon the other or upon notice by Director served on both parties, be submitted to binding arbitration, under the Texas General Arbitration Act (Tex. Civ. Prac. & Rem. Code Ann., Ch. 171 – “the Act”). Arbitration shall be conducted according to the following procedures:
 - a. Upon the decision of the Director or upon written notice to the Director from either party that a dispute has arisen, the Director shall notify all parties that they must resolve the dispute within thirty (30) days or the matter may be referred to arbitration.
 - b. If the dispute is not resolved within the time specified, any party or the Director may submit the matter to arbitration conducted by the American Arbitration Association under the rules of the American Arbitration Association, except as otherwise required by the City’s contract with American Arbitration Association on file in the Office of the City’s Affirmative Action Division.
 - c. Each party shall pay all fees required by the American Arbitration Association and sign a form releasing the American Arbitration Association and its arbitrators from liability for decisions reached in the arbitration.
 - d. In the event the American Arbitration Association no longer administers Affirmative Action arbitration for the City, the Director shall prescribe alternate procedures as necessary to provide arbitration by neutrals in accordance with the requirements of Chapter 15 of the Houston City Code of Ordinances.

These provisions apply to goal oriented contracts. A goal oriented contract means any contract for the supply of goods or non-personal or non-professional services in excess of \$100,000.00 for which competitive bids are required by law; not within the scope of the MBE/WBE program of the United States Environmental Protection Agency on the United States Department of Transportation; and ;, which the City Purchasing Agent has determined to have significant MW/DBE subcontracting potential in fields which there are an adequate number on known MBEs and/or WBE’s to compete for City contract.

The MW/DBE policy of the City of Houston will discussed during the pre-bid. For information assistance, and/or to receive a copy of the City’s Affirmative action policy and/or ordinance contact the Affirmative Action Division at (713) 837-9000, 611 Walker, 20th Floor, Houston, Texas.

ATTACHMENT "D"

CITY OF HOUSTON
Affirmative Action and Contract Compliance
MW/DBE Utilization Report

Report Period _____

PROJECT NAME & NUMBER: _____
DATE: _____

AWARD

PRIME CONTRACTOR: _____
No.: _____

CONTRACT

ADDRESS: _____
AMOUNT: _____

CONTRACT

LIAISON/PHONE No.: _____
GOAL: _____

MW/DBE

| MW/DBE SUB/VENDOR NAME | DATE OF AA CERTIFICATION | DATE OF SUBCONTRACT | SUBCONTRACT AMOUNT | % OF TOTAL CONTRACT | AMOUNT TO DATE |
|---------------------------|-----------------------------|------------------------|-----------------------|------------------------|-------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Use additional pages if needed. submit by the 15th day following the
Provide support documentation on all revenues paid to end of the report period to:
MW/DBEs to reflect up/down variances on contract amount

Affirmative Action Division
ATTN: Velma Laws 713
611 Walker, 20th Floor
Houston, TX 77002

EXHIBIT F – AFFIDAVIT OF OWNERSHIP OR CONTROL

CITY OF HOUSTON CONTRACTOR OWNERSHIP DISCLOSURE ORDINANCE:

City Council requires knowledge of the identities of the owners of entities seeking to contract with the City in order to review their indebtedness to the City prior to entering contracts. Therefore, all respondents to this invitation to bid must comply with Houston Code of Ordinances Chapter 15, as amended (Sections 15-122 through 15-126) relating to the disclosure of owners of entities bidding on, proposing for or receiving City contracts. Provisions of this ordinance are provided in part in the paragraphs that follow. Complete copies may be obtained from the office of the City Secretary.

Contracting entity means a sole proprietorship, corporation, non-profit corporation, partnership, joint venture, limited liability company, or other entity that seeks to enter into a contract requiring approval by the Council but excluding governmental entities.

A contracting entity must submit at the time of its bid or proposal, an affidavit listing the full names and the business and residence addresses of all persons owning five percent or more of a contracting entity or, where a contracting entity is a non-profit corporation, the full names and the business and residence addresses of all officers of the non-profit corporation.

Completion of the "**Affidavit of Ownership or Control**", included herein, and submitted with the Official Bid or Proposal Form will satisfy this requirement. Failure to provide this information may be just cause for rejection of your bid or proposal.

INSTRUCTION: ENTITIES USING AN ASSUMED NAME SHOULD DISCLOSE SUCH FACT TO AVOID REJECTION OF THE AFFIDAVIT. THE FOLLOWING FORMAT IS RECOMMENDED: CORPORATE/LEGAL NAME DBA ASSUMED NAME.

STATE OF _____ §
COUNTY OF _____ §

AFFIDAVIT OF OWNERSHIP OR CONTROL

BEFORE ME, the undersigned authority, on this day personally appeared _____ [FULL NAME] (hereafter "Affiant"),
_____ [STATE TITLE/CAPACITY WITH CONTRACTING ENTITY] of
_____ [CONTRACTING ENTITY'S
CORPORATE/LEGAL NAME] ("Contracting Entity"), who being by me duly sworn on oath stated as follows:

1. Affiant is authorized to give this affidavit and has personal knowledge of the facts and matters herein stated.

2. Contracting Entity seeks to do business with the City in connection with _____ [DESCRIBE
PROJECT OR MATTER] which is expected to be in an amount that exceeds \$25,000.

3. The following information is submitted in connection with the proposal, submission or bid of Contracting Entity in connection with the above described project or matter.

4. Contracting Entity is organized as a business entity as noted below (check box as applicable).

FOR PROFIT ENTITY:

- ☐ SOLE PROPRIETORSHIP
- ☐ CORPORATION
- ☐ PARTNERSHIP
- ☐ LIMITED PARTNERSHIP
- ☐ JOINT VENTURE
- ☐ LIMITED LIABILITY COMPANY
- ☐ OTHER (Specify type in space below)

NON-PROFIT ENTITY:

- ☐ NON-PROFIT CORPORATION
- ☐ UNINCORPORATED ASSOCIATION

5. The information shown below is true and correct for the Contracting Entity and all owners of 5% or more of the Contracting Entity and, where the Contracting Entity is a non-profit entity, the required information has been shown for each officer. **[NOTE: IN ALL CASES, USE FULL NAMES, LOCAL BUSINESS AND RESIDENCE ADDRESSES AND TELEPHONE NUMBERS. DO NOT USE POST OFFICE BOXES FOR ANY ADDRESS. INCLUSION OF E-MAIL ADDRESSES IS OPTIONAL, BUT RECOMMENDED. ATTACH ADDITIONAL SHEETS AS NEEDED.]**

Contracting Entity

Name: _____

Business Address **[No./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (_____) _____

Email Address **[OPTIONAL]** _____

Residence Address **[No./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (_____) _____

Email Address **[OPTIONAL]** _____

5% Owner(s) (IF NONE, STATE "NONE.")

Name: _____

Business Address **[No./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (_____) _____

Email Address **[OPTIONAL]** _____

Residence Address **[No./STREET]** _____

[CITY/STATE/ZIP CODE] _____

Telephone Number (_____) _____

Email Address **[OPTIONAL]** _____

6. Optional Information

Contracting Entity and/or _____ [NAME OF OWNER OR NON-PROFIT OFFICER] is actively protesting, challenging or appealing the accuracy and/or amount of taxes levied against _____ [CONTRACTING ENTITY, OWNER OR NON-PROFIT OFFICER] as follows:

Name of Debtor: _____
Tax Account Nos. _____
Case or File Nos. _____
Attorney/Agent Name _____
Attorney/Agent Phone No. (_____) _____
Tax Years _____

Status of Appeal [DESCRIBE] _____

Affiant certifies that he or she is duly authorized to submit the above information on behalf of the Contracting Entity, that Affiant is associated with the Contracting Entity in the capacity noted above and has personal knowledge of the accuracy of the information provided herein, and that the information provided herein is true and correct to the best of Affiant's knowledge and belief.

Affiant

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 20____.

(Seal)

Notary Public

NOTE:

This affidavit constitutes a government record as defined by Section 37.01 of the Texas Penal Code. Submission of a false government record is punishable as provided in Section 37.10 of the Texas Penal Code. Attach additional pages if needed to supply the required names and addresses.

EXHIBIT G – CITY OF HOUSTON FAIR CAMPAIGN ORDINANCE

CITY OF HOUSTON FAIR CAMPAIGN ORDINANCE

The City of Houston Fair Campaign Ordinance makes it unlawful for a Contractor to offer any contribution to a candidate for City elective office (including elected officers and officers-elect). All respondents to this invitation to bid must comply with Houston Code of Ordinances Chapter 18 as amended relating to the contribution and solicitation of funds for election campaigns. Provisions of this ordinance are provided in part in the paragraphs that follow. Complete copies may be obtained from the office of the City Secretary.

Candidates for city office may neither solicit nor receive contributions except during a period commencing 270 calendar days prior to an election date for which a person is a candidate for such office and ending 90 calendar days after the election date, including run off elections if such candidate is on the ballot.

Further, it shall be unlawful either for any person who submits a bid or proposal to contribute or offer any contribution to a candidate or for any candidate to solicit or accept any contribution from such person for a period commencing at the time of posting of the City Council Meeting Agenda including an item for the award of the Contract and ending upon the 30th day after the award of the Contract by City Council.

For the purposes of this Ordinance, a **Contract** is defined as each Contract having a value in excess of \$30,000 that is let by the City for professional services, personal services, or other goods or services of any other nature whether the Contract is awarded on a negotiated basis, request for proposal basis, competitive proposal basis or formal sealed competitive bids. The term **Contractor** includes proprietors of proprietorships, partners **having an equity interest of 10% or more** of partnerships, (including limited liability partnerships and companies), all officers and directors of corporations (including limited liability corporations), and all holders of 10% or more of the outstanding shares of corporations.

A STATEMENT DISCLOSING THE NAMES AND BUSINESS ADDRESSES EACH OF THOSE PERSONS WILL BE REQUIRED TO BE SUBMITTED WITH EACH BID OR PROPOSAL FOR A CITY CONTRACT. Completion of the attached form entitled "**Contractor Submission List**" will satisfy this requirement. Failure to provide this information may be just cause for rejection of your bid or proposal.

FORM A
CONTRACTOR SUBMISSION LIST
CITY OF HOUSTON FAIR CAMPAIGN ORDINANCE

The City of Houston Fair Campaign Ordinance makes it unlawful for a Contractor to offer any contribution to a candidate-for City elective office (including elected officers-elect) during a certain period of time prior to and following the award of the Contract by the City Council. The term "Contractor" Includes proprietors of proprietorships, partners or joint venturers having an equity interest of 10 percent or more for the partnership or Joint venture, and officers, directors and holders of 10 percent or more of the outstanding shares of corporations. A statement disclosing the names and business addresses of each of those persons will be required to be submitted with each bid or proposal for a City Contract. See Chapter 18 of the Code of Ordinances, Houston, Texas, for further information.

This list is submitted under the provisions of Section 18-36(b) of the Code of Ordinances, Houston, Texas, in connection with the attached proposal, submission or bid of:

Firm or Company Name: _____

Firm or Company Address: _____

The firm/company is organized as a (Check one as applicable) and attach additional pages if needed to supply the required names and addresses:

☐ **SOLE PROPRIETORSHIP**

| | |
|------------|---------|
| Name _____ | _____ |
| Proprietor | Address |

☐ **A PARTNERSHIP**

List each partner having equity interest of 10% or more of partnership (if none state "none")

| | |
|------------|---------|
| Name _____ | _____ |
| Partner | Address |

| | |
|------------|---------|
| Name _____ | _____ |
| Partner | Address |

☐ **A CORPORATION**

LIST ALL DIRECTORS OF THE CORPORATION (IF NONE STATE "NONE")

| | |
|------------|---------|
| Name _____ | _____ |
| Director | Address |

| | |
|------------|---------|
| Name _____ | _____ |
| Director | Address |

Name _____
Director Address

LIST ALL OFFICERS OF THE CORPORATION (IF NONE STATE NONE")

Name _____
Officer Address

Name _____
Officer Address

Name _____
Officer Address

LIST ALL INDIVIDUALS OWNING 10% OR MORE OF OUTSTANDING SHARES OF STOCK OF THE CORPORATION (IF NONE STATE "NONE")

Name _____
Address

Name _____
Address

Name _____
Address

I certify that I am duly authorized to submit this list on behalf of the firm, that I am associated with the firm in the capacity noted below and that I have personal knowledge of the accuracy of the information provided herein.

Preparer

Printed Name

Title

Note: This list constitutes a **government record** as defined by § 37.01 of the Texas Penal Code.

8/23/01